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SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1992/9; E/CN.4/1992/NGO/3; E/CN.4/Sub.2/1992/17)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1992/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1992/61; E/C.12/1988/1; CCPR/C.2/Rev.2; A/46/393)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1992/44; E/CN.4/1992/NGO/7; A/46/668; A/46/650; A/46/503)

STATEMENT BY HIS EXCELLENCY MR. MARCOS CASTRIOTO DE AZAMBUJA, SECRETARY-GENERAL FOR FOREIGN AFFAIRS OF BRAZIL

1. Mr. CASTRIOTO de AZAMBUJA (Brazil) welcomed the advances in political freedom in many parts of the world, which had as their natural consequence a more active participation by citizens in affairs of State. One of the most encouraging aspects of that international "new deal" was the increased importance accorded to the strengthening and protection of human rights, and hence to the work of the Commission.

2. Brazil, as a nation fully committed to the concept of human dignity, had adopted a human rights policy based on openness and transparency, and on the belief that the best defence against human rights violations was constant surveillance of the acts of government officials by a well-informed public opinion. In that regard, Brazil appreciated the work done by the non-governmental organizations, whose independence was one of the basic prerequisites for that policy of transparency. It also appreciated the contributions of the Special Rapporteurs, and would do all it could to cooperate with them.

3. In addition, Brazil was convinced that appropriate international mechanisms must supplement the efforts made by Governments themselves to protect human rights and fundamental freedoms. Accordingly, it had recently acceded to the International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights. It was fully aware of the obligations it had undertaken, and was determined to comply with them strictly.

4. Both the 1993 World Conference on Human Rights, and the United Nations Conference on Environment and Development to be held in Brazil in June 1992, would deal with topics of universal interest. In that regard, it should be

noted that, following an initiative by the Sub-Commission, the Commission itself had taken up the question of the relationship between human rights and the environment. In fact, one of the most important topics to be dealt with by the World Conference on Human Rights was the relationship between human rights, democracy and development, a relationship which should be viewed pragmatically, and on two different levels.

5. First, it was of course necessary, even urgent, to step up international efforts aimed at encouraging economic growth and development, in view of the negative effects which a deterioration of the economy all too often exerted on enjoyment of human rights. Secondly, there was a need to improve and strengthen the effectiveness of national institutions responsible for guaranteeing what the Universal Declaration of Human Rights termed the "rule of law" - a task which came more specifically within the Commission's mandate. Experience had shown that it was not enough for Governments to refrain from committing human rights violations. It was also vital for them to make active and positive efforts to ensure that the "rule of law" prevailed. The United Nations played a useful role in denouncing human rights violations, but it could do even more to strengthen the rule of law by giving substantial financial and technical aid to projects which had a direct impact on the human rights situation in certain countries. The advisory services programme was a step in that direction, and that programme should be considerably strengthened in order to enable more ambitious projects of an operational character to be implemented. His delegation would be submitting a proposal to that effect to the Commission at a later stage.

6. Ms. KADJAR-HAMOUDA (International Federation Terre des Hommes) deplored the fact that poverty, which was becoming increasingly widespread throughout the world, often had its origins in inadequate or poorly implemented legislation and in commercial practices which took advantage of loopholes in the law. Corruption and barbarous economic practices constituted a serious threat to any democracy, whether emergent or established, because they undermined the legal and financial foundations of the State.

7. For the people of Cambodia, for example, effective enjoyment of economic, social and cultural rights, which had been so long delayed, was currently regressing yet further as a result of certain economic practices. Although private property and trade were now authorized, the new freedom had been accompanied by increased impoverishment of the population as a whole. Numerous foreign investors were motivated by a desire for maximum short-term profit, and were helping to create an intolerable climate of greed in a country already drained of its life blood. Inflation, theft, banditry and corruption were constantly on the increase. The Cambodian regime was incapable of taking the necessary steps to combat those ills, and the social situation of the country was catastrophic.

8. In Cambodia, the prerequisite for any real improvement in economic and political conditions was respect for all human rights. It was for that reason that the International Federation Terre des Hommes wished to make a number of recommendations to the Commission. It was neccessary, first, to establish the necessary legal instruments for regulating economic conditions in the country, and to set up an independent judicial system. Next, the population should be

informed of what was meant by human rights, including economic, social and cultural rights, so that every individual would be able to identify any violations he might suffer. Further, material protection and support should be given to Cambodians wishing to set up human rights organizations. Lastly, all Governments should undertake to make prompt payment of the financial contributions vital to the implementation of the peace plan in Cambodia.

9. Zaire, despite its wealth of natural and mining resources, was faced by an economic crisis of such proportions as to threaten the survival of part of its population. No curb had been put on population growth, exports had slumped, foreign investors had left the country, unemployment stood at record levels and insecurity was increasing. A recent currency devaluation had led to a steep rise in prices, and profits from the mining industry benefited only a minority of the population. In Zaire, expenditure on development and on human resources in general was constantly dwindling. The country was being devastated by epidemics and malnutrition, and the majority of the population were no longer able to meet their basic needs. As for education, it was totally beyond the reach of most Zairian children. In the light of that situation, the International Federation Terre des Hommes recommended that the Commission should invite the Government of Zaire to carry out a thorough democratization of the country, so that every citizen could have a share in economic decisions that concerned him or her.

10. In the Philippines, economic, social and cultural rights, as well as civil and political rights, were being flagrantly violated. Health conditions were catastrophic; 70 per cent of the population were now living below the poverty line, and the pauperization rate was increasing by 4 to 5 per cent each year. Accordingly, the International Federation Terre des Hommes appealed to the Commission to recommend the Government of the Philippines to make a determined attack on the root causes of underdevelopment in the country. The right to development could not be realized without respect for human rights and a reordering of the national budget. While it was true that the natural disasters which had struck the country in 1991 had added to the sufferings of the population, almost all the problems which assailed the country had their roots in the Government's obstinacy in following an economic and social policy which perpetuated poverty. Official development assistance programmes should also take those factors into account.

11. Mr. BRODY (Andean Commission of Jurists) drew attention to the close link between the vast economic and social difficulties afflicting the majority of the peasant populations in the Andean countries and drug production and trafficking.

12. For the Andean nations, the right to development was becoming an ever-receding possibility. The Governments of such countries, faced by external difficulties derived from the existing international order, were unable to implement any global development strategy which did not exclude the majority of the population. FAO estimated that in the rural areas of Bolivia, Colombia and Peru, 85 per cent, 67 per cent and 68 per cent of the population, respectively, were living below the critical poverty threshold. Colombia and Peru produced some 90 per cent of the world coca supply.

13. The peasants who planted coca in Bolivia and Peru did not do so in order to become rich - their return was less than 0.5 per cent of the street price of cocaine in New York, Zurich or Hamburg - but simply in order to avoid starvation.

14. Since the Commission was currently dealing with the right to development, the Andean Commission of Jurists believed it was appropriate to remind it of certain very specific problems in that area. The scourge of drug trafficking could be more effectively combated if its relationship with the extreme poverty affecting the Andean countries was better understood. For as long as that relationship was not realized, the global strategies developed over recent years would be ineffective. While drug consumption in the United States was increasing by some 30 per cent a year, the Bolivian and Peruvian peasants who grew the coca were becoming ever poorer as a result of the fall in the price for their product. They were forbidden to grow coca, yet were given no help in finding other means of earning a livelihood. In addition, the international drug traffic generated vast sums of money, which the traffickers invested outside the producing countries, thus destabilizing their economies and the structure of their institutions.

15. The right to development also implied the right to protect and improve the environment. Drug trafficking was a serious threat to the ecological balance of the Andean and Amazonian region, because tropical forests were cut down to plant coca, and the chemicals used in the manufacture of cocaine polluted streams and rivers.

16. The failure of repressive policies to combat drug trafficking showed that the problem had to be tackled from another angle, namely the development angle. Since drug trafficking affected producer countries and consumer countries alike, the two should work together in seeking and implementing solutions. Programmes should be introduced with a view to replacing coca by other tropical commodities, and bold policy decisions should be taken, notably in the rich consumer countries. The latter, for instance, could adopt measures designed to improve the terms of trade for products from the Andean region.

17. The international community could no longer underestimate the seriousness of the problem, and should intensify its efforts, which were still inadequate and too scattered. By effective cooperation measures, it could help the Andean countries to alter the composition of their agricultural sector and to improve its trade prospects. Fine words were no longer enough: it was time for action.

18. Mr. PORRET (International Fellowship of Reconciliation) pointed out that the organization he represented had followed the preparatory work for the Declaration on the Right to Development from the outset, and had later participated in the debate on how that right was to be implemented.

19. The International Fellowship of Reconciliation was pleased to note that United Nations bodies were taking increasingly into account in their decisions human rights, democracy and respect for nature. He was convinced that the Centre for Human Rights should play an active role in development strategy and in United Nations programmes, and that it should make respect for the rights

of the most vulnerable groups in society - children, women, tribal populations, migrants and the disadvantaged - its primary concern.

20. The Fellowship welcomed the report by Mr. Danilo Türk, who had undertaken a major study on the realization of economic, social and cultural rights. Blame for development which did not respect the environment or the rights of populations could often be laid at the door of firms from countries other than those in which they operated. However, certain sectors within a country, such as stockbreeders, could also be guilty of improper exploitation of resources. Such exploitation, designed to yield maximum short-term profit, led inexorably to degradation of the planet.

21. Another important factor for the development of poor regions was related to fluctuations in market prices, which in the case of long-term crops often bore unjustly on those who had to comply with rules laid down by the authorities or by managers of development projects. Small coffee producers were now suffering in that way, the market having collapsed before their plantations had become productive. Ways should be found of guaranteeing the peasants concerned a certain level of income on a long-term basis, though without making them dependent on welfare.

22. The United Nations Conference on Environment and Development, to be held in June, would provide a unique opportunity for promoting the right to development. Numerous non-governmental organizations, including the International Fellowship of Reconciliation, had taken part in the preparations for that Conference, and it was to be hoped that the same spirit of collaboration would characterize preparations for the 1993 World Conference on Human Rights.

23. The current session of the Commission thus offered the last opportunity, before the Rio Conference, of relating the human rights issue to that of the ecological equilibrium of the planet. The Fellowship wished to draw the attention of members of the Commission to the right to information regarding the possible ecological consequences of development-related decisions. There was a need to guarantee the right to participate in such decisions, and to set up an effective system of consultation and dialogue for that purpose.

24. Mr. ANSARI (Pakistan) drew attention to the importance of the right to development, which had figured on the Commission's agenda since 1975. Development represented the most formidable challenge in a world in which - now that the super-Powers had been reduced to a single bloc - legitimate fears might arise of a change of attitude in regard to the right to development. Nevertheless, relations between those super-Powers were moving in a positive direction, which gave grounds for optimism.

25. His delegation was confident that the Commission, which was acquiring increased authority as a result of its sustained and genuine initiative on behalf of human rights, would succeed in keeping the super-Powers interested in the right to development, just as it had succeeded in persuading authoritarian regimes to promote respect for human rights in their countries. The principles of human rights were now an integral part of the conscience of peoples, and seemed to have gained ground even where they had been systematically violated.

26. However, progress was still slow. Development and prosperity in a country were essential prerequisites for respect for human rights. Populations suffering from hunger, poverty and illiteracy were also the victims of the most serious violations of such rights. The right to development would be devoid of meaning as long as extreme poverty continued to ravage the African continent, hundreds of millions of Asians continued to live below the poverty line, and Latin American countries laboured under a crushing burden of external debt. Accordingly, ways should be found of bridging the growing gap between the industrialized countries and the developing countries.

27. The rich nations should revise their priorities, and implement development programmes to benefit the disadvantaged countries instead of spending large sums on activities designed solely to ensure the maintenance of their supremacy. Without a radical change of attitude, human rights, peace and security would never become a reality. The new world order should usher in a new era of peace, and economic and social prosperity for all countries. It should thus also facilitate the creation of a climate favourable to the realization of the right to development.

28. His delegation recommended that high priority should be given to the right to development at the World Conference on Human Rights to be held in 1993. The prosperous and influential countries must find the will and the means to share their wealth with less advantaged regions of the world.

29. Mr. QUIROS (Peru) said that items 7 and 8 of the agenda were of particular importance for his country, which was aware of the nature and scope of the multilateral initiatives undertaken by the Commission on Human Rights, and fully appreciated the progress achieved. The new international climate offered the Commission new opportunities for implementing human rights.

30. In 1989, his delegation had succeeded in having a new sub-item included on the agenda concerning the effects of economic adjustment policies on the enjoyment of human rights. It was important that the Committee should give some thought to that question on the basis of the excellent work by UNICEF entitled "Adjustment with a human face". His delegation had also been pleased to note that in 1990 the Special Rapporteur, Mr. Danilo Türk, had taken the question into consideration in his first report. The second report, completed in 1991, contained material which could form the basis of the Commission's contribution to the defining of adjustment policies by international funding institutions. However, the report was only a beginning. It was the product of a frank dialogue with representatives of the International Monetary Fund and the World Bank, which had shown that the use of new human rights indicators to assess the extent to which economic, social and cultural rights were implemented had aroused widespread interest.

31. His delegation welcomed the new attitude shown by international funding agencies, which would seem to be essentially based on acceptance of the principle that democracy and development demanded first and foremost an ability to respond promptly to the most urgent needs of the population.

32. The Peruvian Government supported the efforts being made to improve and enrich databases concerning socio-economic indicators and their interrelationship, in the belief that such data were essential for monitoring realization of economic, social and cultural rights and, as appropriate, for recommending appropriate criteria and guidelines for adoption by the bodies concerned. In that connection, it proposed to make a contribution to the success of the expert seminar to study indicators and their use in assessing the extent to which economic, social and cultural rights were being realized.

33. In its report on human development, UNDP had proposed a composite indicator known as the "human development index", which would take into consideration various criteria such as life expectancy, level of literacy, purchasing power, nutrition, education and civil liberties. UNDP had thus recognized that special attention should be paid to certain key indicators which were more informative than gross domestic product or per capita income. Such an approach also helped to explain why it was so important for a country like Peru to consolidate democracy in order to be able to raise the standard of "human development".

34. Turning to the question of the indivisibility and interdependence of human rights, he pointed out that there was a link between democracy, human rights and development. Although civil and political freedoms were essential, they were not enough to guarantee adequate resources, social harmony or a structural change in the international economy. The new democracies of Latin America guaranteed such freedoms, but hoped that the international community, in a spirit of understanding and solidarity, would help to meet their needs in regard to health, food and education, since those problems - which concerned all the peoples of the world - called for a combined effort for their solution.

35. Both economic, social and cultural rights and the right to development were enshrined in important instruments to which Peru was a party. Those instruments were the fruit of a multilateral dialogue, and expressed the aspiration of peoples to live in peace and in respect for human dignity. It was the Commission's duty to take practical steps to ensure the implementation of those international instruments.

36. Mr. TROMBETTA (Argentina) said he was pleased to note that over the past few years the Commission on Human Rights and the United Nations General Assembly had succeeded in defining the scope of economic, social and cultural rights more clearly, and in exploring the conceptual and legal aspects of the right to development in their efforts to gain a better understanding of the factors which facilitated or obstructed the realization of human rights. He also welcomed the fact that certain international organizations and multilateral institutions were paying increasing attention to the Commission's work.

37. With reference to Mr. Türk's second report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17), his delegation could support the recommendations relating to indicators contained in paragraphs 44 and 48 of that document. It also congratulated Mr. Türk for having defined and categorized the questions related to structural adjustment which concerned the Commission, and endorsed the basic assumptions set out in

paragraph 52 of the report. Lastly, it noted with interest that international funding institutions were paying increasing attention to the possible negative impact of certain adjustment policies. In that connection, he again expressed his delegation's grave concern in regard to economic adjustment measures which were so severe that they sometimes led to social instability or endangered democratic institutions.

38. Turning to the Secretary-General's report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1991/10), his delegation was pleased to note that there was a broad consensus on the question of the indivisibility and interdependence of all rights, and that there was agreement that the freedom for every citizen to be associated with economic and political decision-making in his country was of crucial importance for the enjoyment of all human rights and fundamental freedoms. It supported the proposal that all States should cooperate in creating an international economic and political environment conducive to the realization of the right to development. With regard to the multilateral trade negotiations being conducted within the framework of the General Agreement on Tariffs and Trade (GATT), it pointed out that the Government of Argentina was calling for an opening up of international markets, and for the dismantling of discriminatory trade regulations which were hindering the development opportunities of many members of the international community.

39. He had referred only to certain paragraphs of the Secretary-General's report, the better to highlight the density and complexity of the questions to be considered under items 7 and 8 of the agenda, and to draw attention to those that Argentina regarded as highly important. His Government's main concern was man and the dignity of man, in other words man's physical and moral integrity, and his ability to deal with the situations confronting him. As was stated in UNDP's report on the question, human development was a process which offered the individual more opportunities, in particular opportunities for a longer and healthier life, access to education and an income sufficient to provide a decent standard of living, political freedom and respect for human rights. Similarly, the South Commission, in its report entitled "The Challenge of the South", stated that development presupposed the existence of democratic Governments and respect for human rights. In that connection, he stressed that all States, whatever their level of development, should show the strictest respect for human rights.

40. With regard to the role of the Commission on Human Rights in implementing the Declaration on the Right to Development, his delegation shared the view expressed by the Secretary-General in his report that the Commission should continue its analysis of the links between the problem of external debt and the realization of human rights in the light of the right to development, and that even if it was not competent to intercede for the integral realization of human rights in the economic and social development of countries, it could highlight the fundamental needs of the individual.

41. Mr. Nasseri (Islamic Republic of Iran) took the Chair.

42. Ms. MARKHUS (Libyan Arab Jamahiriya) said that development was a comprehensive social, cultural and political process, which aimed at the improvement of the well-being of all peoples and individuals, and at the fair

distribution of benefits resulting therefrom. She pointed out that, under article 1 of the Declaration on the Right to Development, the right to development was an inalienable human right and that civil, political, social and economic rights were interdependent and indivisible. Accordingly, flagrant violations of human rights such as apartheid, racism, racial discrimination, colonialism, foreign domination and occupation, interference in the internal affairs of States, infringements of national sovereignty, unity and security, threats of force and a refusal to recognize the fundamental right to self-determination, constituted obstacles to the realization of the right to development.

43. She pointed out that the basic needs of millions of people were still not being met, owing to the poverty which still afflicted many countries of the world. That poverty was to be explained by the squandering of the benefits deriving from the exploitation of natural resources or by a scarcity of such resources, an increase in external debt, and a rise in the number of refugees, as well as droughts and natural disasters.

44. The curbing of the arms race, and the diversion to other uses of the considerable expenditure devoted to it, as well as the abolition of inequitable economic relations such as those maintained by transnational corporations, could facilitate the realization of the right to development, as could the participation of the population in various sectors of activity. In that connection, women had a very important role to play. Accordingly, their needs should be taken into account when formulating development plans, as well as the needs of children, particularly in poor countries where - according to UNICEF reports - many children under 12 years of age were doing work that was too hard for them.

45. In conclusion, her delegation thanked the Under-Secretary-General for Human Rights, Mr. Martenson, for his excellent introduction to items 7, 8, 15, and 16 of the agenda. It reiterated its concern that participants in the International Conference on Human Rights scheduled to be held in Berlin in 1993 should look into the relationship between development and human rights, and should investigate how obstacles to the realization of such rights could best be eliminated. The Commission on Human Rights, for its part, should continue to study the relation between the problem of external debt and the realization of human rights, in the context of the right to development.

46. Mr. MBURU (Kenya) said his delegation had listened with great interest to the statements made under items 7 and 8 of the agenda, and agreed that human rights were interdependent.

47. He pointed out that a stumbling block to the realization of economic, social and cultural rights was the problem of poverty, and that while it was clearly the duty of all States to protect and guarantee respect for the human rights of its nationals, it was equally clear that it could not succeed in doing so without the help of the international community.

48. If developing countries were now seeking to conclude equitable economic and trade agreements, it was not solely for economic reasons, but also with a view to establishing a sustainable democratic regime which would not be hamstrung by debt-servicing or by unfair terms of trade, a regime that could

guarantee the respect and realization of the fundamental rights of the whole population - and of the poor in particular - and hence enjoy the support of the international community. It was the latter's duty to guarantee the right to development, notably by reducing the debt burden and by establishing a trade system which was multilateral, transparent and non-discriminatory, and which would guarantee the growth and development of disadvantaged countries. It was in that light that the Secretary-General's report on the question of the right to development should be viewed, and the proposals it contained should be given serious consideration. In that regard, his delegation particularly endorsed the suggestion that the 1993 World Conference on Human Rights should give first priority to the right to development.

49. In reply to the representative of the World Organization against Torture, who had drawn attention to cases of deaths in Kenyan prisons due to lack of food and medical care, he said that, although Kenya faced economic problems like many other developing countries, his Government had always done its best to meet the food and medical needs of all citizens, including those who were in prison. It was thus wrong to state that prisoners had died of hunger, or at least to imply that they had been intentionally deprived of food, which was not the case.

50. Mr. HOURORO (Observer for Morocco) said that the relationship between development and human rights was not new, and, like disarmament and the protection of the environment, had long been a subject of concern to the international community. In the preamble to the Charter of the United Nations, the peoples of the United Nations had undertaken to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish better living conditions and to solve international economic, social and humanitarian problems. He also pointed that out the Commission on Human Rights, in resolution 4 (XXXIII), adopted by consensus in February 1977, had stressed that it was the responsibility and duty of all members of the international community to create the necessary conditions for the full realization of economic, social and cultural rights, as a means of ensuring the real and meaningful enjoyment of civil and political rights.

51. Many United Nations bodies and specialized agencies had adopted measures in line with the principles laid down in the Declaration on the Right to Development. However, if that right were to become a mandatory requirement applicable in the context of global and inter-State cooperation, more stress should be laid on the promotion of a sustainable development which would generate stability, peace and prosperity for all. In that connection, he reminded the Commission of the recommendations adopted at the Global Consultation on the Right to Development as a Human Right held in Geneva in 1990, to the effect that national development policies and plans should contain provisions concerning the right to development and the realization of all human rights, so that the economic activities of States should not run counter to the comprehensive attainment of those objectives.

52. One might justifiably wonder what place the developing countries would have in a world of structural changes. Would they succeed in obtaining their rightful share of the world's wealth on an equal basis? The question was all the more worrying in that over the past 10 years, the debt crisis, together with the structural adjustment policies imposed on such countries, had had the

perverse effect of triggering a growing and uncontrolled deterioration in commodity prices, thus increasing the burden of debt-servicing and further impoverishing the most vulnerable sectors of the population. In addition, the least advanced countries were in a parlous situation, leading to social unrest, political instability and economic marginalization.

53. Although the idea of the right to development had been accepted in theory, doubts remained as to how it was to be implemented in practice. In fact, while the rich countries continued to baulk at building any genuine economic partnership, the developing countries were experiencing a terrible deterioration in their geographical and human environment; proliferating slums, systematic deforestation, illiteracy and a recrudescence of endemic diseases. That being said, however, development assistance should not be seen as synonymous with charity; it should be perceived as a process which took due account of human dignity. While economic development was measured in terms of growth, growth had to be assessed in terms of quality rather than quantity; it should be participatory, be of benefit to all, and take account of the long-term perspective. Realization of the right to development would require a combined effort, as well as a thorough and genuine study of the structural problems that stood in the way of development.

54. His delegation hoped that the 1993 World Conference on Human Rights would give high priority to the right to human development. An exhaustive analysis of the question should be carried out which would show what had been done and what still remained to be done, with a view to defining priorities and objectives, such as literacy, education for all, and the advancement of women.

55. Mr. Solt (Hungary) resumed the Chair.

56. Mr. VALENCIA RODRIGUEZ (Independent Expert) said he would like to give an outline of the contents of his preliminary report on the means whereby the right of everyone to own property alone as well as in association with others fostered, strengthened and enhanced the exercise of other human rights and fundamental freedoms (E/CN.4/1992/9).

57. Chapter I described the measures taken in the matter by United Nations bodies. It also referred to the discussion on whether or not an article on the right to own property should be included in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights. The final report, which would be submitted to the Commission at its forty-ninth session, would deal with the legal implications of the non-inclusion of such an article in the Covenants.

58. Chapter II concerned methodology, and in particular the legal aspects of the question. That chapter too would be supplemented in the final report by a legal interpretation of the scope of the relevant instruments, whether adopted by the United Nations or by regional bodies. The second part of that chapter concerned institutional aspects, and in particular the information received from Governments in response to requests by the General Assembly. In that regard, he pointed out that the Governments which had supplied the information requested constituted a minority of United Nations Member States. In addition, that information related to the period 1987-1990, in other words to the period preceding the important changes which had taken place in many countries and

had no doubt led to changes in existing legislation. Accordingly, that information should be supplemented and updated. In that connection, he drew attention to the substantial contributions made by various non-governmental organizations.

59. Chapter III dealt with a number of conceptual aspects, notably the place of the right to own property in the hierarchy of human rights, and the various forms that right could take. In the final report, a large part of that chapter would be devoted to a study of the restrictions and limitations which could be applied to the right to own property.

60. Chapter IV contained a preliminary study of the relationship between the full enjoyment by individuals of the right of everyone to own property, alone as well as in association with others, and the economic and social development of Member States. In view of the many political, economic, social and even ideological aspects of the question, it had been decided to confine the study to legal aspects, and not to embark on a political and economic assessment.

61. Lastly, chapter V dealt with the role of the right of everyone to own property alone as well as in association with others in ensuring the full and free participation of individuals in the economic and social systems of States. That chapter would also include relevant conclusions and recommendations, on the basis of the information provided in the preceding chapters.

62. Mr. FAVRE (International Federation of Rural Adult Catholic Movements) said that everywhere in the world, both in industrialized countries and in the least developed countries, peasants and rural populations were suffering from the same syndrome of widespread impoverishment. The Federation's Executive Committee, at an international seminar in Italy the previous November, had made a thorough study of reports on investigations and activities carried out by its local teams. The findings of those reports, in terms of the realization of the right to development, were negative in that they revealed a general failure. That failure consisted in neglect or disregard for fundamental rights, including the right of every human being to live in freedom from hunger, poverty, ignorance, sickness and fear.

63. The Federation's objective was to help rural communities to regain the self-confidence they needed to become active and responsible agents of their own liberation. There were clear signs of a gradual increase in awareness, and above all in practical commitment, which gave grounds for optimism. The peasants wanted to rediscover their true mission as nourishers of mankind on an earth that gave nourishment to all, and to be aware that they were continuing God's creative work. The vital link between the land and mankind, between the right to development and the right to the environment, could be seen everywhere in the world: in southern India, the rural movement had launched a campaign among the peasants to instil an awareness of certain fundamental rights which would entitle them to carry out agrarian reforms to benefit the greatest possible number of peasant families; in Europe, teams working in the rural areas were concerned at the disappearance of family-owned peasant smallholdings, and at the environmental degradation caused by intensive "agri-business" farming methods. To remedy that situation, there was a need, in recognition of the right to work and of the right of the worker to dignity

recognized through the fruits of his labour, to guarantee a family income based on a policy of price diversification, and to take immediate steps to control output in the interests of achieving an economic balance between regions that was stable and would ensure continued respect for the environment.

64. Mr. FORSTER (International Work Group for Indigenous Affairs) said he was the only representative of the Bougainville interim government who was still able to travel abroad since the Government of Papua New Guinea, in December 1991, had confiscated the passports of all inhabitants of Bougainville who sought to exercise their rights under international law. The Commission should know that Bougainville had been under seige since 17 April 1990, and that the blockade had caused the deaths of some 8,000 people, or 5 per cent of the population, including children who had not been immunized because the Papua New Guinea defence forces had burned all the vaccines and medical supplies awaiting distribution on the wharves of Buka Island, which they were currently occupying. Most schools had been closed, and those that had reopened did not have the supplies they needed to operate normally. Many students, subjected to constant harassment in Papua New Guinea, had returned to Bougainville, where they had joined the ranks of the Bougainvillian Republican Army. All communications with the island had been cut, and the economy was non-existent: the livelihoods of small farmers, who no longer had the means to cultivate their crops, as well as most of the basic industries, were in jeopardy.

65. In addition, the inhabitants of Bougainville had suffered flagrant and systematic violations of their most basic human rights, not only economic, social and cultural, but also civil and political, violations which had been described in detail in a document submitted by the International Work Group for Indigenous Affairs to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session (E/CN.4/Sub.2/1991/NGO/31). The existence of a consistent pattern of human rights violations in Bougainville had been confirmed by third parties, notably by Amnesty International in a 42-page report published in 1990: since then, that body's representatives had been banned from entering Papua New Guinea.

66. It was high time for the Commission on Human Rights, whose task was to encourage negotiation and to seek peaceful solutions to conflicts, to look into the situation in Bougainville, where for several years the Papua New Guinea defence forces had been making constant attacks on the population and denying them their legitimate right to self-determination. Protection of human rights should have priority over other principles - however noble - such as the principle of the sovereignty of States. The entire United Nations Organization should ensure that the principles of the Charter were respected, even more in territories placed under its protection, such as Bougainville, than in others. In that connection, he drew the Commission's attention to a resolution adopted by the Pacific Council of Churches at its most recent General Assembly in September 1991, which had called on the Government of Papua New Guinea to lift the blockade on Bougainville Island; to allow access by humanitarian organizations to that territory; to implement the Honiara Agreement signed in January 1991, under which Bougainville and Papua New Guinea had accepted external assistance in the form of a multinational security team; to recognize the right to self-determination of the people of Bougainville; and to agree to the holding of a referendum to decide the future

political status of the Island. That initiative had been supported by numerous other non-governmental organizations, as well as by experts of the Sub-Commission. The multinational security team requested was a regional peace-keeping force, whose deployment would have no financial implications for the United Nations. In addition, since Papua New Guinea would not ask the United Nations to intervene, it was for the United Nations and its Secretary-General to use their good offices with a view to ending the conflict, and to ensure that the legitimate right of the people of Bougainville to self-determination was respected.

67. The interim Government of Bougainville rejected any resort to violence, and favoured a settlement of the conflict through negotiation. Its basic objective was to secure the restoration of the rights of all inhabitants of the territory. Bougainville's Constitutional Planning Committee was currently drafting a constitution based on the Universal Declaration of Human Rights and the draft Declaration on the Rights of Indigenous Peoples. If the people of Bougainville decided to opt for independence, the Island would accede to all international human rights instruments, and would ensure that they were respected, unlike the Government of Papua New Guinea which had ratified only some of them. Nevertheless, it was to be hoped that Papua New Guinea would respond favourably to an offer of assistance from the United Nations.

68. Mr. RYDER (International Confederation of Free Trade Unions) said that one of ICFTU's basic objectives had always been the raising of the standard of living of all peoples of the world, and the furtherance of their economic, social and cultural progress. Accordingly, it noted with the keenest regret that the economic and social policies applied at the national level over the past decade, often with the support of certain international institutions, had obstructed rather than assisted the global development process. The description of the 1980s as a lost decade for world development was certainly an apt one. According to ILO estimates, minimum wages in Latin America had fallen by 25 per cent in real terms during that period; in Africa, current urban wage levels were generally inadequate to meet the basic needs of a family; in Asia and the Pacific, regions frequently cited as examples of successful development, extreme poverty remained the lot of hundreds of millions of people; in the industrialized countries of Western Europe and North America, the poverty which afflicted 10 to 15 per cent of their citizens continued to increase. There was unfortunately an increasing tendency in some quarters to regard the continuance of such situations as politically tolerable, whereas there was a clear need to take urgent action. ICFTU, which had put forward various proposals on how to eradicate the scourge of poverty on a number of occasions, both to Governments and to international institutions such as the IMF and the World Bank, would like to hope that its views were being taken seriously.

69. A precondition for progress was the abandonment of unduly restrictive neo-liberalist policies, which attributed Messianic powers to the free play of market forces, and judged success or failure solely on the basis of selective economic indicators and monetary rigour. As was indicated in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Declaration on the Right to Development, social and economic progress should go hand in hand, and real and sustainable development would only be possible if the social dimension was taken into consideration. That

was particularly true of a large number of countries currently in the process of transition, such as the countries of Central and Eastern Europe and certain African countries, as well as of debtor countries forced to implement long and difficult structural adjustment programmes to comply with conditions laid down by international funding institutions. It was now realized that such programmes had merely increased the sufferings of millions of working people, without even attaining the narrow economic objectives they had been designed to achieve. They should therefore be radically revised if they were really to strengthen development, and to encourage growth and an improvement in living standards. However, nothing could be done until a solution had been found to the debt problem, either by rescheduling on favourable terms, or by a debt write-off. Such a realistic solution, which was receiving increasing support from the international community, called for the adoption of a concerted universal plan of action on a scale commensurate with the scale of the problem. In the view of ICFTU, an international conference should be convened as early as possible, with a view to defining the criteria on which such action would be based.

70. As was clear from article 8 of the 1986 Declaration on the Right to Development, popular participation in all spheres was a factor of crucial importance for the realization of economic, social and cultural rights and of the right to development. Experience showed that an absence of democracy and a denial of any real popular participation led to economic and social stagnation. However, although democracy opened the door to progress, it did not necessarily provide the societies concerned with the necessary impetus to embark on the road to development. For that there was a need for a favourable climate, not only externally, but also at home, which meant that the population should be entitled to participate in formulating and implementing national policies. Action through strong, independent and representative trade unions was the most effective means the people had at their disposal in that regard. Accordingly, he could only deplore the fact that certain Governments were continuing to repress trade unions, sometimes in the most brutal fashion, or were seeking to exclude them from decision-making.

71. ICFTU contended that the close links between democracy, popular participation and development provided an added imperative for the full respect for trade union rights, and recognition of the central role that trade unions could play as agents of popular participation - an essential feature of healthy democracies, and one that was indispensable to their development.

72. Mr. SENE (Senegal) emphasized the importance of the question of the realization in all countries of economic, social and cultural rights, as well as the realization of the right to development under the International Covenants and United Nations human rights instruments. His delegation had learned with interest of the two notes submitted by the Secretary-General on, respectively, effective implementation of international instruments on human rights, including reporting obligations under such instruments (A/44/668) and the status of the International Covenant on Civil and Political Rights and the Optional Protocol thereto (CCPR/C/2/Rev.2). By ratifying that Protocol on 13 February 1981, Senegal had recognized the competence of the Human Rights Committee to receive and consider communications concerning it.

73. In his report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10), the Secretary-General had rightly laid stress on the indivisibility and interdependence of all categories of human rights, and on the fact that underdevelopment and an unjust economic order had a negative impact on the promotion of human rights and could lead to social unrest and political instability. In other words, national policies introduced by developing countries with a view to creating conditions which would guarantee a decent standard of living for all should find a favourable international climate for their reception.

74. There was now a general awareness that massive human rights violations, wherever they occurred, constituted a threat to international peace and security. The Commission, as the leading United Nations body concerned with the promotion and protection of human rights, could not disregard the links that existed between development, democracy, collective peace and security, and the human rights situation. It was clear that the right to development was a human right on the same basis as other fundamental rights. Only recently, the President of the Security Council, at a meeting at the level of heads of State and Government held on 31 January in New York, had stated that peace and prosperity went hand in hand, and that there could be no lasting peace and stability without genuine international cooperation in eradicating poverty and in guaranteeing a better life, in greater freedom, to all mankind. It hardly needed to be said that the ILO Constitution, which dated from 1919, proclaimed that no lasting peace would be possible without social justice, and that the Philadelphia Declaration stated that poverty, wherever it existed, endangered the prosperity of the whole world. Clearly, the developed countries, whose population currently represented only a quarter of that of the world as a whole, could not continue to live peacefully on an island of prosperity surrounded by an ocean of poverty and suffering.

75. In his report, the Secretary-General described the 1980s as a lost decade for development, since economic indicators showed a fall in growth in two thirds of the developing countries, primarily in Africa, not to mention the debt burden and the negative capital flow to developed countries, all factors which helped to steadily widen the gap between developed and developing countries. Since the debt problem and structural adjustment had an impact on the realization of economic, social and cultural rights in developing countries, international funding institutions should show greater understanding in that regard. Structural adjustment, even when necessary, should be accompanied by due consideration of the need to combat extreme poverty and to protect vulnerable groups in order to reduce the social costs of reforms.

76. With those considerations in mind, UNDP, following the lead of a number of institutions such as ILO and UNICEF, had in 1990 introduced a "human development index", which took into account not only growth in GNP and national income, but also life expectancy, levels of literacy and the resources needed to ensure a decent standard of living. In that connection, the Secretary-General emphasized in his report that high national income did not guarantee the protection of vulnerable groups. The World Bank, in a return to the policies of the 1960s and early 1970s, had made poverty the central theme of its world development report for 1990. The African Development Bank, for its part, had initiated a study of the social

dimensions of structural adjustment in Africa, in collaboration with UNDP and the World Bank, with a view to facilitating dialogue between Governments and the donor community.

77. His delegation had also read with great interest the section of the Secretary-General's report dealing with the various measures taken by United Nations bodies and specialized agencies to incorporate the principles of the Declaration on the Right to Development in their activities (paras. 48-63). In regard to the concrete proposals to implement and promote further the right to development contained in chapter III of the report, it wished to highlight in particular the suggestion by the Department of Technical Cooperation for Development that concrete recommendations should be made for action by States to tackle the issue of poverty in both developed and developing countries (para. 87), as well as the link established by UNHCR between refugee aid and development assistance (para. 89).

78. His delegation believed there should be improved coordination between all United Nations bodies in monitoring progress achieved in the implementation of the Declaration on the Right to Development, and that human rights concerns should be made an integral part of United Nations development projects, programmes and activities. The Commission on Human Rights, for its part, should deal with such questions from the viewpoint of obligations assumed by States parties under the two International Covenants on Human Rights and under international law. Any new world order would need to be founded on the rule of law, progress in living conditions, and the material and spiritual well-being of the family of mankind, as defined in terms of both development and respect for human rights.

The meeting rose at 6.05 p.m.